

TOWN OF LEE  
SELECT BOARD MEETING  
Thursday December 22, 2022 @ 4:00PM  
Town Hall • 38 Main Street • Select Board Office

Minutes

**Members Present:** Sean Regnier, Bob Jones, Gordon Bailey (via conference call)

**Members Absent:** None.

**Chairman Regnier called the meeting to order at 4:02PM.**

**Chairman Regnier began by stating the Board would not meet in Executive Session as originally planned and would remain in Open Session through the entirety of the meeting.**

***Mr. Jones made a motion to postpone the discussion on litigation strategy to a later date which Mr. Bailey seconded and was approved, 3-0.***

**Ayes**

**Sean Regnier**

**Bob Jones**

**Gordon Bailey**

**Nays**

**None**

Discussion of BPW

Chairman Regnier stated that Admin Brittain had given all the Board members a copy of a proposed Act to amend the Board of Public Works (BPW) in the Town of Lee. Admin Brittain stated that this proposal is essentially replacing Chapter 438 Acts of 1970 with a new Act in two parts. One part allows the Select Board to appoint an Advisory Board of Public Works, which is a model some other towns have used. This will bring the control to the Select Board to do that, rather than by the State Legislature. Admin Brittain stated that it goes on to redefine some of the issues they have come across as far as procurement, hiring, etc. where the two current Acts contradict each other. Admin Brittain stated that the second part of the proposal shows how they need to amend any bylaws. He added that there is a section that states: *"The Select Board shall have the exclusive authority over jurisdictions of any of the Boards, Departments, or Offices which have been abolished by this Act"* – which is a catch all that allows the Select Board some temporary time to act.

Chairman Regnier stated that the plan today is to give Mr. Jones the authority to bring this proposal to Dave Forrest and Rob Wright of the BPW and see if they are willing to move forward this way. Chairman Regnier stated he believes this gives the BPW everything they have discussed – changing the Board to a 5-member Board and be an advisory board focused on capital outlay. He added that it changes all the supervision over to the Town Administrator and Select Board.

Admin Brittain stated that they can just abolish the Board all together, but in the proposal he did add Section 3 (see attached). He stated that they would then leave five bylaws with the BPW and put six bylaws with the Superintendent.

Mr. Jones stated he thought the joint meeting between the BPW and the Select Board went well and his suggestion would be that the BPW act in an advisory capacity and use their experience and expertise to make suggestions to the Superintendent, Town Administrator, and Select Board --- strictly advisory to streamline any process for the residents. Mr. Jones stated that since their joint meeting, he has a problem with the fact that some of the BPW members have come into Town Hall and given the Superintendent and other employees a hard time. He does not believe the Town is well-served by anyone walking into town offices and creating difficulties. Mr. Jones stated he is still open to a conversation about simply dissolving the BPW to expediate things if these problems continue. Admin Brittain added that they've had a few frustrating weeks where the Chair of the BPW has come into the DPW office, is trying to do things between the meetings, and that has been a problem all along. As an example, Admin Brittain stated that the Chair of the BPW was mad that the Town spent more on the paving of Landers Road than originally proposed, but in fact, it ended up costing \$2 less per ton than originally proposed, which was all in a 2-

page letter from the Superintendent sent to the BPW. Admin Brittain stated another example was when the BPW and Town Meeting voted to pave Spring Street, and then the Chair and Clerk of BPW came back the following week and told the Superintendent not to pave Spring Street, and that they changed their mind – without even holding a meeting.

Mr. Bailey stated if the Chair of the BPW is comfortable with the written proposal for the change of Acts as the first stab at getting something done, he is all for it. Mr. Bailey suggested Admin Brittain double check with Atty Pollard on the language used stating that “...the Select Board *may* appoint an Advisory Board...” to find out if that language is clear on who the responsibility falls to if the Board decides not to appoint an advisory board. Admin Brittain stated he would check with Atty Pollard and that most of the language he used is what other towns have also used.

Mr. Jones asked if the Select Board has the authority to appoint an advisory board, would they also have the ability to dissolve the advisory board. Admin Brittain stated that his understanding is that the advisory board would fall under the Select Board’s full control, but he would check with Atty Pollard. He stated that if the advisory board was dissolved, they would just need to change the five bylaws that the board handled, and luckily only water fees and abatements are the only two bylaws that are not just recommendations. Mr. Bailey suggested changing the bylaws not this year, but the next, so as to not make it look like they are already planning on not having an advisory board.

If the BPW does not agree with the proposed change, the Select Board agreed they would reconvene.

*Mr. Bailey made a motion to have Mr. Jones and Admin Brittain bring the proposed Act to the BPW sub-committee which Mr. Jones seconded and was unanimously approved, 3-0.*

**Ayes**

**Sean Regnier**

**Bob Jones**

**Gordon Bailey**

**Nays**

**None**

**Mr. Jones made a motion to adjourn at 4:27pm which Mr. Bailey seconded and was unanimously approved, 3-0.**

**Ayes**

**Sean Regnier**


**Bob Jones**

**Gordon Bailey**

**Nays**

**None**

Submitted by:

  
Sabrina Touhey  
Admin Asst TA/BOS

Approved on 01/03/2023